

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY,

Plaintiff,

v.

ACUSHNET COMPANY,

Defendant.

C. A. No. 06-91 (SLR)

PUBLIC VERSION

**DECLARATION OF THOMAS L. HALKOWSKI IN SUPPORT OF PLAINTIFF
CALLAWAY GOLF COMPANY'S *RESPONSE* TO ACUSHNET'S JULY 27, 2007
STATUS REPORT**

I, Thomas L. Halkowski, declare as follows:

1. I am a member of Fish & Richardson P.C., counsel of record in this action for Callaway Golf Company ("Callaway"). I am a member of the Bar of the State of Delaware in good standing and am admitted to this Court. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. Attached as Exhibit 1 is a true and correct copy of a April 19, 2007 pre-filing correspondence from Nauman to Rider re Callaway Golf Co. v. Acushnet, Co., Civil Case No. 07-367 –SLR (D. Del. 2007).

3. Attached as Exhibit 2 is a true and correct copy of a August 23, 2000 hearing transcript of Acushnet, Co. v. Spalding Sports Worldwide, Case No.. 00-11631-DPW.

4. Attached as Exhibit 3 is a true and correct copy of a August 29, 2000 hearing transcript of Acushnet, Co. v. Spalding Sports Worldwide, Case No.. 00-11631-DPW.

5. Attached as Exhibit 4 is a true and correct copy of portions of Acushnet's May 29, 2007 submission to the United States Patent and Trademark Office.

6. Attached as Exhibit 5 is a true and correct copy of a DuPont publication, dated February 1997, and entitled Correlating JIS C and Shore D/ Shore A Hardness Values. (CW 0076878 – 0076879)

7. Attached as Exhibit 6 is a true and correct copy of Callaway Golf's April 27, 2007 Response to Office Action re US Patent 6,210,293, filed with the United States Patent and Trademark Office.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 30th day of July, 2007, at Wilmington, Delaware.

/s/ Thomas L. Halkowski
Thomas L. Halkowski

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2007, the attached document was electronically filed with the Clerk of Court using CM/ECF which will send electronic notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on July 30, 2007, I have Electronically Mailed the document to the following person(s):

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/s/ Thomas L. Halkowski

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